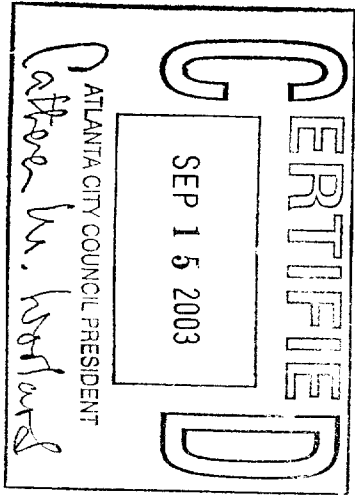


Entered 9-11-02 - sb
CL 02L0653 - GWENDOLYN BURNS



CLAIM OF: HARVESTINE WADE
1449 Westview Drive, SW
Atlanta, Georgia 30310-1331

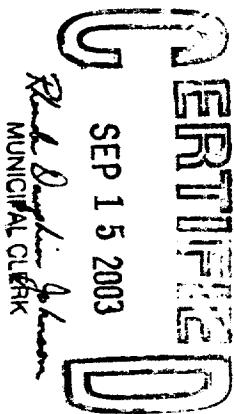
03-*l*-1420

For property damages alleged to have been sustained
from a sewer backup on August 13, 2002 at 1073
Peoples Street, SW.

THIS ADVERSED REPORT IS
APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY



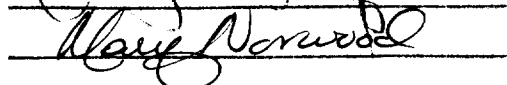
ADVERSE REPORT

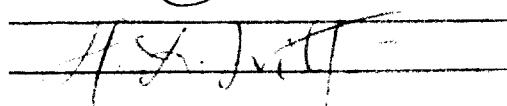
PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 9/9/03

CHAIR: 







OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

September 30, 2003

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Harvestine Wade
1449 Westview Dr., SW
Atlanta, GA 30310-1331

03-R-1420

Dear Ms. Wade:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 15, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0653

Date: August 26, 2003

Claimant /Victim HARVESTINE WADE
BY: (Atty) (Ins. Co.) _____
Address: 1449 Westview Drive, SW, Atlanta, Georgia 30310-1331
Subrogation: _____ Claim for Property damage \$ 1,850.00 Bodily Injury \$ _____
Date of Notice: 9/10/02 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 8/13/02 Place: 1073 Peoples Street, SW
Department WATERSHED MANAGEMENT Division Sewer Operations
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that she sustained property damage from a sewer backup. However, an investigation determined that the City did not have notice of a sewer problem at this location prior to the date of claimant's incident. The City is immune from liability pursuant to O.C.G.A. 36-33-1.


INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

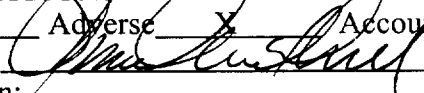
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2P01 _____ 2H01 _____
Claims Manager:  Concur/date 08-27-03
Committee Action: _____ Council Action _____

RCS# 5027
9/15/03
2:51 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-13, EXCEPT:03-R-1449
03-R-1460, 03-R-1463
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 2

NV Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	NV Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

9-15-03 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 03-O-1347 2. 03-O-1451 3. 03-O-1311 4. 03-O-1443 5. 03-O-1319 6. 03-O-1317 7. 03-O-1441 8. 03-O-1447 9. 03-O-1109 10. 03-O-1329 11. 03-O-1330 12. 03-R-1371 13. 03-R-1372 14. 03-R-1373 15. 03-R-1374 16. 03-R-1437 17. 03-R-1458 18. 03-R-1459 19. 03-R-1383 20. 03-R-1446 21. 03-R-1456 22. 03-R-1316 23. 03-R-1337 24. 03-R-1381 25. 03-R-1382 26. 03-R-1449 27. 03-R-1390 28. 03-R-1392 29. 03-R-1393 30. 03-R-1394 31. 03-R-1395 32. 03-R-1396 33. 03-R-1397 34. 03-R-1398	35. 03-R-1399 36. 03-R-1400 37. 03-R-1401 38. 03-R-1402 39. 03-R-1403 40. 03-R-1404 41. 03-R-1405 42. 03-R-1406 43. 03-R-1407 44. 03-R-1408 45. 03-R-1409 46. 03-R-1410 47. 03-R-1411 48. 03-R-1412 49. 03-R-1413 50. 03-R-1414 51. 03-R-1415 52. 03-R-1416 53. 03-R-1417 54. 03-R-1418 55. 03-R-1419 56. 03-R-1420 57. 03-R-1421 58. 03-R-1422 59. 03-R-1423 60. 03-R-1424 61. 03-R-1425 62. 03-R-1426 63. 03-R-1427 64. 03-R-1428 65. 03-R-1429 66. 03-R-1430 67. 03-R-1431 68. 03-R-1432

Consent I Vote: 10 Yeas; 0Nays: (See RCS #5027) ; 9Yeas; 0Nays: (See RCS #5008)

Items Removed from the Consent Agenda: 03-R-1460; 03-R-1463; Mitchell abstained on 03-R-1449;